

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

STEPHANIE BRYANT

PLAINTIFF

vs.

CASE NO.: 3:16-CV-32-CWR-FKB

FRED'S STORES OF TENNESSEE, INC.

DEFENDANTS

STIPULATION

COMES NOW, Stephanie Bryant (hereinafter "Plaintiff"), by and through counsel, and Fred's Stores of Tennessee, Inc. (hereinafter "Defendant"), by and through counsel, and hereby agree and stipulate as follows:

1. Plaintiff initially filed her lawsuit against Defendant seeking unpaid overtime wages and other damages owed to her on or about January 21, 2016, pursuant to the Fair Labor Standards Act (the "FLSA"). [D.E. 1].

2. The parties engaged in settlement discussions shortly after Defendant's receipt of Plaintiff's Complaint and were able to agree to settle all claims involved in the lawsuit.

3. Plaintiff and Defendant agree that there are several bona fide disputes within their lawsuit, such as the following: a) Plaintiff's proper classification for FLSA purposes; b) Plaintiff's actual work hours; c) whether Plaintiff was properly compensated for hours worked; d) the proper method for calculating the back pay that Plaintiff is purportedly owed; and e) whether Plaintiff is owed a third year of back wages due to Defendant's alleged "willful violations of the FLSA's overtime provisions."

4. Due to the bona fide disputes listed above, the parties respectfully submit that they have privately settled their disputes without this Court's approval pursuant to

Martin v. Spring Break '83 Productions, LLC, 688 F.3d 247, 257 (5th Cir. 2012). “[P]arties may reach private compromises as to FLSA claims where there is a bona fide dispute as to the amount of hours worked or compensation due.”

In consideration of the foregoing stipulated facts, Plaintiff and Defendant have settled their dispute, agreed to dismissal of the present action, and Plaintiff has moved for entry of judgment dismissing the action, in support of which this Stipulation shall be submitted to the Court.

So stipulated, this the 21st day of February, 2017.

Respectfully submitted,
STEPHANIE BRYANT, PLAINTIFF

/s/ Christopher W. Espy
CHRISTOPHER ESPY, ESQ. (MSB#: 102424)
MORGAN & MORGAN, PLLC
4450 Old Canton Road, Suite 200
Jackson, MS 39211
Phone: 601-718-2087
Fax: 601-718-2102
Email: cespy@forthepeople.com

ATTORNEY FOR PLAINTIFF

/s/ Robbin W. Hutton
ROBBIN W. HUTTON, ESQ.
FORD HARRISON, LLP
1715 Aaron Brenner Dr., Ste. 200
Memphis, TN 38120
Phone: 901-291-1500
Fax: 901-291-1501
Email: rhutton@fordharrison.com

ATTORNEY FOR DEFENDANT